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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,820	02/27/2002	Chauncey W. Griswold	404980	8636

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EXAMINER	
JONES, SCOTT E	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,820	GRISWOLD, CHAUNCEY W.	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,4,6-8,19-22,26 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,4,6-8,19-22,26 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 May 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the for continued examination and amendment filed on March 31, 2004 in which applicant amends claims 3, 4, 6, 19-21, 26, cancels claims 1, 2, 5, 9-18, 23-25, and 27-30, adds claim 31, and responds to the claim rejections. Claims 3, 4, 6-8, 19-22, 26, and 31 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2004 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 4, 6-8, 19-20, 26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,110,041) in view of Raven et al. (U.S. 5,429,361) and further in view of Orus et al. (U.S. Patent Application Publication 2002/0047044 A1).

Walker et al. discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server which

receives preference data from a player and configures the gaming machine to match the received preference data. The player inserts an electronic player tracking card (and/or other "biometric" data is used) to authenticate that a particular player is on a machine by transmitting data to a central server. Once this data is authenticated the central server programs or configures the gaming machine to the player's preferences. Walker et al. additionally discloses:

Regarding Claim 31:

- displaying to the gaming machine a card carried by the player, said card comprising suitable electronics for data transmission, causing transfer of first individualized data concerning the player from the card to the gaming machine or to a computer network associated with the gaming machine (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37);
- providing biometric sensing as a separate, personal identification to the gaming machine (Column 6, lines 39-61); and
- evaluating the data against a stored database, and activating said gaming machine for said subsequent play upon favorable evaluation of said data, and, during or after said subsequent play, causing the transfer of second, individualized data back to the card to be stored (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37) .

Regarding Claim 3:

- the player moves the cared in closely spaced relation to a sensor on said gaming machine to display said card to the gaming machine (Fig. 3 (**364**), and Column 6, lines 39-61).

Regarding Claim 4:

- the player provides a separate, personal identification to the gaming machine in the form of letters or numbers as a necessary prerequisite to said machine activation (Column 6, lines 47-49).

Regarding Claim 6:

- after evaluation of said data, the gaming machine is activated in a specific mode selected from a plurality of possible modes of activation, the specific mode being a function of the individualized data (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37).

Regarding Claim 7:

- the specific mode selected comprises a particular game or choice of games to be played (Figure 5).

Regarding Claim 8:

- the specific mode selected comprises a special offer of a benefit or activity for the player (Figure 5).

Although Walker et al. discloses a player tracking card and tracking card reader which deposits/withdraws virtual cash or credits to/from a player tracking card based upon a players winnings/losings, Walker et al. seems to lack explicitly disclosing:

Regarding Claim 31:

- a contactless player tracking card having electronics and an antenna causing a wireless transfer of player data to a gaming machine or computer network; and
- upon favorable evaluation of said data, said gaming machine providing a personalized greeting to the player.

Regarding Claim 26:

- microprocessor providing a plurality of separate accounts to the user.

Raven et al., like Walker et al., teaches of a gaming machine that can be used via smart card technology to identify special players, transmit messages, and transmit player preference data to the gaming machine and is therefore analogous art. However, Raven et al. seems to lack explicitly teaching using biometric data as a separate identification means. Raven et al. teaches:

Regarding Claim 31:

- upon favorable evaluation of said data, said gaming machine providing a personalized greeting to the player (Column 7, lines 50-56).

Orus et al. does not teach transmitting player preference data to a slot machine based on identification data read from a player tracking card. Instead, Orus et al. teaches of a system and method for securely transferring, via bi-directional wireless communication, bets and winnings to/from contactless gambling cards and slot machine/slot machine networks based on identification data read from a player tracking card. Orus additionally teaches:

Regarding Claim 31:

- a contactless player tracking card having electronics and an antenna causing a wireless transfer of player data to a gaming machine or computer network (Paragraphs 2, 14-16, 18, and 33).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Walker in view of Raven's gaming machine with Orus' contactless gaming card system. One would be motivated to do so because this would provide a secure data exchange over a network, wherein a security module calculates an authentication certificate from secret data stored on the memory of the contactless gambling card and the monitoring means checks the authentication certificate calculated by the security module corresponding to the authentication certificate calculated by the contactless gambling card.

Regarding Claim 26, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to provide access to a plurality of separate accounts for a player with a single contactless gambling card. That is, individual accounts for slot machines, poker machines, and other gaming machines. Otherwise, players would have to use multiple contactless gambling cards in a casino to play a variety of games which would totally defeat the purpose of having a contactless gambling card in the first place.

5. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,110,041) in view of Raven et al. (U.S. 5,429,361) and Orus et al. (U.S. Patent Application Publication 2002/0047044 A1) and further in view of (Philips Semiconductors - Leading-edge smart card technology meets smartest watch technology - Press release) (Philips Semiconductors).

Walker et al. in view of Raven et al. and Orus et al. teaches that as discussed above regarding claims 3, 4, 6-8, 19-20, 26, and 31. However, Walker et al. in view of Raven et al. and Orus et al. seems to lack explicitly stating:

Regarding Claim 21:

- the card is carried by the player in the form of an article of personal adornment or clothing.

Regarding Claim 22:

- the card is carried by the player in the form of a wristwatch.

Philips Semiconductors teaches of a contactless smart card controller IC incorporated into a watch. The watch can support multiple communications protocols and have endless applications for personal identification and storing personal data. Philips Semiconductors teaches:

Regarding Claim 21:

- the card is carried by the player in the form of an article of personal adornment or clothing (pp. 1-3).

Regarding Claim 22:

- the card is carried by the player in the form of a wristwatch (pp. 1-3).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Philips Semiconductor watch technology in Walker in view of Raven and Orus. One would be motivated to do so because Philips Semiconductors watch technology provides a highly attractive and convenient carrier for the smart card technology enabling a player access to a gaming machine with both hands at all times.

Response to Arguments

6. Applicant's arguments with respect to claims 3, 4, 6-8, 19-22, 26, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones
Examiner
Art Unit 3713

sej